

VIA ECF

December 27, 2024

The Honorable Philip M. Halpern
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: Khan v. Bd. of Dirs. of Pentegra Defined Contribution Plan, 7:20-cv-7561

Dear Judge Halpern:

The parties write in accordance with the Court's directive to "advise the Court by 12/31/2024 if they reach an agreement on the jury charge."

On December 18, the parties met and conferred in good faith by videoconference and discussed the two sentences in Proposed Instruction No. 16 over which they continue to disagree. As the Court is well aware, the parties have previously met and conferred on this same issue on several occasions over the past year as part of their joint effort to agree on a unified set of jury instructions. Despite both sides offering suggestions for how the issue might be resolved, no agreement could be reached. As officers of the Court, we each believe our respective positions are correct interpretations of controlling law in the Second Circuit. *See* Dkt. 253-1 at 4–7.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on December 27, 2024, a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will provide notice of the filing to all counsel of record.

By: /s/ Troy A. Doles

Troy A. Doles